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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,388	01/13/2000	Chun R. Xia	BRIGP002	8312

22830 7590 06/08/2004

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EXAMINER

THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/483,388

Applicant(s)

XIA ET AL.

Examiner

Forest Thompson Jr.

Art Unit

3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004 and 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 & 14-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (See Papers #5, 7, 13, &16). The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.
2. This action is responsive to the amendment E filed on 01/02/2004 (see Paper #16), and Interview Summary filed 03/08/2004. Applicant amended claims 25 and 30, and presented arguments. Applicants' amendment and arguments necessitated the reconsideration of applicants' claims and withdrawal of finality stated in Paper #16. Therefore, this Action is a non-final Action. Claims 1-12 and 14-33 are pending.
3. Claims 1-12 and 14-33 have been examined.

Drawings

4. This application has been filed with informal drawings, which are acceptable for examination purposes only. The informal drawings (figures 2-17) have been reviewed and objected to by the Draftsman (see Form PTO 948 enclosed for specific comments). Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

Art Unit: 3625

5. Claims 25-27 and 30-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant's amendment amended claims 25 and 30 to overcome the objection. Therefore, Examiner withdraws the objection.

Claim Rejections - 35 USC § 103

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-12, 14-24, and 28-33 were rejected in Paper #16 under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,724,521), and further in view of Angles et al. (U.S. Patent No. 6,385,592) and Kurtzman, II et al. (U.S. Patent No. 6,144,944) (hereafter referred to as Kurtzman). Examiner has examined the claims and maintains the rejection, while modifying the language of the rejection with reference to the specific prior art passages identified by examiner and their use.

Art Unit: 3625

8. Claims 1-12 and 14-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,724,521), and further in view of Angles et al. (U.S. Patent No. 5,933,811) and Kurtzman, II et al. (U.S. Patent No. 6,144,944) (hereafter referred to as Kurtzman).

Prior Art includes:

Dedrick teaches a method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner that includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements. The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement. The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. In one embodiment, a consumer scale is generated for each of multiple electronic advertisements. These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers. At the metering servers, a determination is made as to where the characteristics of the end users served by each of the metering servers fall on the consumer scale. The higher

the characteristics of the end users served by a particular metering server fall, the higher the fee charged to the advertiser .

Angles et al. teaches a system and method for delivering customized electronic advertisements in an interactive communication system. The customized advertisements are selected based on consumer profiles and are then integrated with offerings maintained by different content providers. The preferred interactive communication system interconnects multiple consumer computers, multiple content provider computers and multiple Internet provider computers with an advertisement provider computer. Whenever a consumer directs one of the consumer computers to access an offering existing in one of the content provider computers, an advertising request is sent to the advertisement provider computer. Upon receiving the advertising request, the advertising provider computer generates a custom advertisement based on the consumer's profile. The custom advertisement is then combined with the offering from the content provider computer and displayed to the consumer. The advertisement provider computer also credits a consumer account, a content provider account and an Internet provider account each time a consumer views a custom advertisement. Furthermore, the advertisement provider computer tracks consumer responses to the customized advertisements.

Kurtzman, II et al. teaches a system for selecting and providing information. The system can include an advertisement server that provides selected advertisements in response to a request from a web page server. The request includes information that will allow the advertisement server to select an appropriate advertisement. The

advertisement server includes a control program for controlling the selection of the advertisements. The advertisement selection is based partially on matching psychographic, demographic, geographic, sociographic, and other information about the individual to a set of possible advertisements. The advertisement server 100 also allows advertisement selection to be constrained by characteristics external to the individual, such as advertisement impression limits and advertisement priorities based on revenue optimization. The control program communicates with one or more affinity engines. Each affinity engine determines an affinity (degree of relevance or indicator of matching) given advertisements have for the information corresponding to the request. The engines use different request information such as demographic information, page sponsor information, keyword sponsor information, etc. The information presented to the user is dynamically generated so advertisers can select an appropriate advertisement in real time for that specific user. Additionally, at any time, the control program can force the delivery of an advertisement prior to the completion of processing by all of the engines.

Examiner maintains that these references are analogous art with applicant's claimed invention and each other.

Claim 1: Dedrick teaches:

- a memory (Abstract);
- renting out a marketing object container to a first party, wherein the marketing object container is configured to be presented in a web page associated with a second

Art Unit: 3625

party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers'

advertisements to users over the system for a fee;

- selecting, by the first party, a marketing attribute (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58); and
- sending the selected marketing attribute to be automatically associated with the marketing object container (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58), in the context of associating the chosen attributes with the identified advertisements and allowing particular end users to view the marketing object.
- *A method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements . The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement. The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. In one embodiment, a consumer scale is generated for each of multiple electronic advertisements. These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers. At the metering servers, a determination is made as to*

where the characteristics of the end users served by each of the metering servers fall on the consumer scale. (Abstract)

- *The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases (col. 4 lines 3-15.*
- *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format (col. 4 lines 37-48).*

Therefore, Dedrick teaches functionality that encompasses automatically associating characteristics (or attributes) with a marketing container. Additionally, Angles et al. teaches:

- *HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and*

Art Unit: 3625

display the document. In addition to specifying how the Web browser is to display the document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 32-45).

Angles et al. teaches that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to explicitly send the selected attribute to be automatically associated with the marketing object container, as taught by Angles et al., because this capability is encompassed by the teachings of both Dedrick and Angles et al., and simplifies the presentation, to the user, of desired information from advertisers and others.

Neither Dedrick nor Angles et al. explicitly teach selecting, by the first party, a marketing attribute configured to describe what marketing objects can be received by the marketing object container. However, Dedrick does teach selecting, by the first party, a marketing attribute. Additionally, Dedrick teaches *The appraisal agent 28 provides the end user with an agent which can search various yellow page servers 22 to locate electronic content which matches the end user's user profile data (col. 9 lines 50-54).* Also, Kurtzman teaches:

- *The affinity of an attribute to an object is determined by comparing the attribute to an affinity criterion associated with the object. For instance, a user's demographic attribute would be compared to an advertisement's demographic criterion in order to measure the demographic affinity of the user to the advertisement (col. 4 lines 32-37), which encompasses applicants' claimed aspect;*

Art Unit: 3625

- *The ad selection is based partially on matching psychographic, demographic, geographic, sociographic, and other information about the individual to a set of possible advertisements. The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization (col. 4 lines 1-4), which teaches away from restricting ad selection (i.e., marketing attribute selection) to characteristics or parameters associated only with an individual.*

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dedrick and Angles et al. to explicitly select, by the first party, a marketing attribute configured to describe what marketing objects can be received by the marketing object container, as taught by Kurtzman, for the motivation of providing an electronic marketing presentation that matches predetermined attributes or characteristics used to determine advertisements to be presented to potential customers to encourage their purchasing activities.

Claim 2: Dedrick teaches selecting a marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*

Art Unit: 3625

Claim 3: Dedrick teaches sending a selected marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of transferring consumption formatted electronic information to metering servers and subsequently to client systems.

Claims 4, 5, 9: Dedrick teaches:

Dedrick teaches:

- renting out a marketing object container to a first party, wherein the marketing object container is configured to be presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers' advertisements to users over the system for a fee;
- selecting, by the first party, a marketing attribute (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58); and
- sending the selected marketing attribute to be automatically associated with the marketing object container (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58), in the context of associating the chosen attributes with the identified advertisements and allowing particular end users to view the marketing object.
- *A method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements . The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus.*

Art Unit: 3625

The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement. The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. In one embodiment, a consumer scale is generated for each of multiple electronic advertisements. These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers. At the metering servers, a determination is made as to where the characteristics of the end users served by each of the metering servers fall on the consumer scale. (Abstract)

- *The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases (col. 4 lines 3-15.*

- *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format (col. 4 lines 37-48).*

- *renting out a second marketing object container to the first party, wherein the second marketing object container is presented in a second web page associated with a*

Art Unit: 3625

third party, wherein the selected marketing object is automatically associated with the second marketing object container (Abstract; col. 4 line 3 - col. 5 line 53; col. 16 lines 51-58), in the context of:

- *These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers, of associating the chosen attributes with the identified advertisements and allowing particular end users to view the marketing object, and presenting advertisers' advertisements to users over the system for a fee (Abstract).*
- renting out a marketing object container to a first party, wherein the marketing object container is presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4), which infers that, for each yellow page server and each metering server, the marketing object container is presented in a web page associated with at least one second party.
- selecting a marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*

- a method and apparatus for providing electronic advertisements to end users (Abstract).

- A method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements. The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement . The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. In one embodiment, a consumer scale is generated for each of multiple electronic advertisements . These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers. At the metering servers, a determination is made as to where the characteristics of the end users served by each of the metering servers fall on the consumer scale. (Abstract)

- The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system (col. 4 lines 37-40).

- The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the

system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases (col. 4 lines 3-15).

- The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format (col. 4 lines 37-48).

Therefore, Dedrick teaches functionality that encompasses automatically associating characteristics (or attributes) with marketing containers. Dedrick also provides the functionality for creating multiple advertisements (or, distributing one advertisement to multiple servers for presentation to multiple users), and does not limit the number of advertisements that advertisers may create and provide for presentment to users. Therefore, it would have been obvious to one skilled in the art at the time the invention was made that Dedrick teaches the functionality for renting out a second marketing object container to the first party, wherein the second marketing object container is presented in a second web page associated by a third party, wherein the selected marketing object is associated with the second marketing object container, and wherein the selected attribute is associated with the second marketing object container.

Additionally, Angles et al. teaches *HyperText Markup Language (HTML)*. A *standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents*. (*HTML 2.0 is currently the primary*

Art Unit: 3625

standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. In addition to specifying how the Web browser is to display the document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 32-45), which encompasses applicant's claimed aspect of automatically associating characteristics (or attributes) with marketing containers.

The teaching of Angles et al. teaches that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Dedrick to teach the selected marketing object is automatically associated with the second marketing object container, as taught by Angles et al., because this capability is encompassed by the teachings of both Dedrick and Angles et al., and simplifies the presentation, to the user, of desired information from advertisers and others.

Claim 6: Claim 6 is written as a method and contains essentially the same limitations as claim 1; therefore, the same rejection is applied. The prior art is not limited to the use or designation of only one website or party. Similar functionality is in claim 6 as in claim 1.

Claim 7: Dedrick teaches selecting at least one marketing object for insertion in the marketing object container, wherein the first party selects the at least one marketing object (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*

Claim 8: Claim 8 is written as a method and contains essentially the same limitations as claim 4; therefore, the same rejection is applied.

Claim 10: Dedrick teaches selecting at least one marketing object for insertion in the marketing object container also associating the at least one marketing object for insertion in the second marketing object container (col. 2 lines 10-19).

Claim 11: Dedrick teaches the second party provides a service to a plurality of parties and at least some of the parties are unrelated, and the unrelated parties are only allowed access to their own marketing presentation (col. 7 lines 16-49).

Art Unit: 3625

Claim 12: Dedrick teaches the second party receives a commission based on revenue generated by the first party's marketing presentation (col. 11 lines 17-27), which is encompassed in the teaching of *It should be noted that the metering server 14 charges the publishers/advertisers 18 a fee for access to the metering server 14. This fee is in addition to the amount an advertiser 18 pays each time the advertisement is consumed by an individual end user.*

Claim 14: Dedrick teaches the second party receives fees from the first party for hosting their marketing presentation (col. 11 lines 17-27).

Claim 15: Claim 15 is written as a system and contains essentially the same limitations as claim 1; therefore the same rejection is applied.

Claim 16: Claim 16 is written as a computer program product and contains essentially the same limitations as claim 1; therefore, the same rejection is applied.

Claim 17: Dedrick does not specifically teach the computer readable medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash memory, system memory, hard drive, and data signal embodied in a carrier wave. Dedrick does teach the server maintaining resident databases (col. 3 lines 1-5). Additionally, Angles et al. teaches *The advertising storage medium 44, however, can consist of a wide range of data storage devices including, but not limited to, digital video devices, floppy disks,*

Art Unit: 3625

hard drives, system memory, tape drives, Personal Computer Memory Card Interface Adapter cards (PCMCIA cards), and the like (col. 11 lines 55-60). Kurtzman teaches Other embodiments of the invention include computer program products that have programs that can select and serve media for dynamically generated information.

Examples of the types of computer program product can include CDs, zip disks, hard disks. (col. 2 lines 62-63). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dedrick to teach the computer readable medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash memory, system memory, hard drive, and data signal embodied in a carrier wave, as taught by Angles et al. and Kurtzman, for the motivation of providing an electronic marketing presentation.

Claims 18, 19: Neither Dedrick, Angles et al. nor Kaufman explicitly teach the marketing objects that can be received by the marketing object container include a marketing object of type ad banner, nor the marketing attribute is further configured to characterize the marketing object container as being configured to receive a marketing object having a cross sell feature. However, Dedrick does teach *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. (col. 4 lines 37-41). Additionally, Angles et al. teaches HyperText Markup Language (HTML). A standard coding convention and set of codes for*

attaching presentation and linking attributes to informational content within documents.

(HTML 2.0 is currently the primary standard used for generating Web documents.)

During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document

(or "HTML document") is subsequently transferred from a Web server to a Web

browser, the codes are interpreted by the Web browser and used to parse and display

the document. (col. 6 lines 32-45) Kurtzman teaches The ad server 100 also allows ad

selection to be constrained by characteristics external to the individual, such as ad

impression limits and advertisement priorities based on revenue optimization (col. 4

lines 1-4). These teachings provide functionality that encompass the claimed aspects of

the marketing objects that can be received by the marketing object container include a

marketing object of type ad banner, and the marketing attribute is further configured to

characterize the marketing object container as being configured to receive a marketing

object having a cross sell feature. For example, Kurtzman encompasses the claimed

feature of the marketing attribute is further configured to characterize the marketing

object container as being configured to receive a marketing object having a cross sell

feature in the teaching of allowing ad selection to be constrained by ad impression limits

and advertisement priorities based on revenue optimization. Therefore, it would have

been obvious to one skilled in the art to modify the teachings of Dedrick, Angles et al.

and Kaufman to explicitly teach the marketing objects that can be received by the

marketing object container include a marketing object of type ad banner, and the

marketing attribute is further configured to characterize the marketing object container

Art Unit: 3625

as being configured to receive a marketing object having a cross sell feature, as taught by the functionality of the combination of Dedrick, Angles et al. and Kurtzman, for the motivation of providing an electronic marketing presentation.

Claim 20: Dedrick teaches *The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement* (Abstract). However, Dedrick does not explicitly teach selecting a marketing object for display in the marketing object container, the selection being responsive to the marketing attribute, nor the selection is further responsive to a visitor attribute. Additionally, Kurtzman teaches selecting a marketing object for display in the marketing object container, the selection being responsive to the marketing attribute (col. 3 line 57 – col. 4 line 4), in the teaching *The ad server 100, including the ad exec program 101, in combination with the affinity framework 110, provides a flexible and efficient system for selecting the best-fit advertisement to show a user at the client 175. In other embodiments, the ad server 100 can also be used in other types of applications other than advertising. For example, the ad server 100 can be used for job banks and educational applications, where dynamically generated information is being displayed. The ad selection is based partially on matching psychographic, demographic, geographic, sociographic, and other information about the individual to a set of possible advertisements. The ad server 100*

Art Unit: 3625

also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization. These teachings encompass applicant's claimed aspects of selecting a marketing object for display in the marketing object container, the selection being responsive to the marketing attribute, and the selection is further responsive to a visitor attribute. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dedrick and Angles et al. to explicitly select a marketing object for display in the marketing object container, the selection being responsive to the marketing attribute, and the selection is further responsive to a visitor attribute, as taught by the combination of Dedrick and Kurtzman, for the motivation of providing an electronic marketing presentation to potential customers/buyers in order to influence their response to the advertisement.

Claim 21: Kurtzman teaches the selection is further responsive to a visitor attribute (col. 3 line 57 – col. 4 line 4).

Claim 22. Dedrick teaches:

- renting out a marketing object container to a first party, wherein the marketing object container is configured to be presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers' advertisements to users over the system for a fee;

- selecting, by the first party, a marketing attribute (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58); and
- sending the selected marketing attribute to be automatically associated with the marketing object container (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58), in the context of associating the chosen attributes with the identified advertisements and allowing particular end users to view the marketing object.
- *A method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements . The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement. The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. In one embodiment, a consumer scale is generated for each of multiple electronic advertisements. These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers. At the metering servers, a determination is made as to where the characteristics of the end users served by each of the metering servers fall on the consumer scale. (Abstract) This teaching encompasses automatically processing data to automatically provide advertisements to users.*

Art Unit: 3625

- *The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases (col. 4 lines 3-15.*

- *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format (col. 4 lines 37-48), which encompasses applicant's claimed aspect of selecting the marketing attribute to characterize the marketing object container as having a campaign type..*

Therefore, Dedrick teaches functionality that encompasses automatically associating characteristics (or attributes) with a marketing container. Additionally, Angles et al. teaches *HyperText Markup Language (HTML)*. A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (*HTML 2.0 is currently the primary standard used for generating Web documents.*) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. In addition to specifying how the

Art Unit: 3625

Web browser is to display the document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 32-45), which encompasses automatically processing data to automatically provide connectivity and advertisements to users. Therefore, Angles et al. teaches that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant.

Dedrick teaches selecting, by the first party, a marketing attribute. Additionally, Dedrick teaches *The appraisal agent 28 provides the end user with an agent which can search various yellow page servers 22 to locate electronic content which matches the end user's user profile data (col. 9 lines 50-54).* Also, Kurtzman teaches:

- *The affinity of an attribute to an object is determined by comparing the attribute to an affinity criterion associated with the object. For instance, a user's demographic attribute would be compared to an advertisement's demographic criterion in order to measure the demographic affinity of the user to the advertisement (col. 4 lines 32-37), which encompasses applicants' claimed aspect of selecting, by the first party, a marketing attribute configured to describe what marketing objects can be received by the marketing object container.*
- *The ad selection is based partially on matching psychographic, demographic, geographic, sociographic, and other information about the individual to a set of possible advertisements. The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization (col. 4 lines 1-4), which teaches*

away from restricting ad selection (i.e., marketing attribute selection) to characteristics or parameters associated with an individual.

Also, the teaching of *The ad server 100* also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization encompasses/infers the teaching of a marketing object container for holding the selected ad(s).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Dedrick to explicitly select the marketing attribute to characterize the marketing object container as having a campaign type, send the selected attribute for association with the marketing object container, and automatically associating the marketing attribute with the marketing object container, as taught by the combination of Dedrick, Angles et al. and Kurtzman, for the motivation of providing an electronic marketing presentation to potential customers that matches predetermined attributes or characteristics used to determine advertisements to be presented to potential customers to encourage their purchasing activities.

Claims 23, 24: Together, Dedrick, Angles et al. and Kurtzman provide functionality that encompasses the claimed aspects of the campaign type is a promotion, and the campaign type is an up sell, a sale, or a new product introduction. Specifically, Dedrick teaches:

- *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted*

over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. (col. 4 lines 37-41).

- A method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner is described herein. The apparatus includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements. The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement. (col. 1 line 63 – col. 2 line 7)

Additionally, Angles et al. teaches HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. (col. 6 lines 32-42) Also, Kurtzman teaches:

- The affinity of an attribute to an object is determined by comparing the attribute to an affinity criterion associated with the object. For instance, a user's demographic

attribute would be compared to an advertisement's demographic criterion in order to measure the demographic affinity of the user to the advertisement (col. 4 lines 32-37), which encompasses applicants' claimed aspect;

- *The ad selection is based partially on matching psychographic, demographic, geographic, sociographic, and other information about the individual to a set of possible advertisements. The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization (col. 4 lines 1-4), which teaches away from restricting ad selection (i.e., marketing attribute selection) to characteristics or parameters associated with an individual.*

Also, the teaching of The ad server 100 allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization encompasses/infers the teaching of a marketing object container for holding the selected ad(s).

Therefore, it would have been obvious to one skilled in the art to modify the teachings of Dedrick, Angles et al., and Kaufman to explicitly teach the campaign type is a promotion, and the campaign type is an up sell, a sale, or a new product introduction, as taught by the functionality of the combination of Dedrick, Angles et al. and Kurtzman, for the motivation of providing an electronic marketing presentation to a customer.

Claim 25. Dedrick teaches:

Art Unit: 3625

- renting out a marketing object container to a first party, wherein the marketing object container is configured to be presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers' advertisements to users over the system for a fee;
- selecting, by the first party, a marketing attribute (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58); and
- sending the selected marketing attribute to be automatically associated with the marketing object container (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58), in the context of associating the chosen attributes with the identified advertisements and allowing particular end users to view the marketing object.
- *A method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements . The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement. The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. In one embodiment, a consumer scale is generated for each of multiple electronic advertisements. These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred*

to multiple metering servers. At the metering servers, a determination is made as to where the characteristics of the end users served by each of the metering servers fall on the consumer scale. (Abstract) This teaching encompasses automatically processing data to automatically provide advertisements to users.

- *The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases (col. 4 lines 3-15.*

- *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format (col. 4 lines 37-48), which encompasses applicant's claimed aspect of selecting the marketing attribute to characterize the first marketing object container as having a relationship with a second marketing object container.*

Therefore, Dedrick teaches functionality that encompasses automatically associating characteristics (or attributes) with a marketing container. Additionally, Angles et al. teaches *HyperText Markup Language (HTML)*. *A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML*

Art Unit: 3625

codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. In addition to specifying how the Web browser is to display the document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 32-45), which encompasses automatically processing data to automatically provide connectivity and advertisements to users. Angles et al. teaches that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant.

Also, Dedrick teaches selecting, by the first party, a marketing attribute. Additionally, Dedrick teaches *The appraisal agent 28 provides the end user with an agent which can search various yellow page servers 22 to locate electronic content which matches the end user's user profile data (col. 9 lines 50-54).* Also, Kurtzman teaches:

- *The affinity of an attribute to an object is determined by comparing the attribute to an affinity criterion associated with the object. For instance, a user's demographic attribute would be compared to an advertisement's demographic criterion in order to measure the demographic affinity of the user to the advertisement (col. 4 lines 32-37), which encompasses applicants' claimed aspect;*
- *The ad selection is based partially on matching psychographic, demographic, geographic, sociographic, and other information about the individual to a set of possible*

Art Unit: 3625

advertisements. The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization (col. 4 lines 1-4), which teaches away from restricting ad selection (i.e., marketing attribute selection) to characteristics or parameters associated with an individual.

The teaching of *The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization* encompasses/infers the teaching of a marketing object container for holding the selected ad(s).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to explicitly select the marketing attribute to characterize the first marketing object container as having a relationship with a second marketing object container, send the selected marketing attribute to be associated with the first marketing object container, and automatically associate the selected marketing attribute with the first marketing object container, as taught by the combination of Dedrick, Angles et al. and Kurtzman, for the motivation of providing an electronic marketing presentation to potential customers that matches predetermined attributes or characteristics used to determine advertisements to be presented to potential customers to encourage their purchasing activities.

Claim 26. (Previously presented) The method of claim 25, wherein the relationship between the first marketing object container and the second marketing object container includes a content detail feature or an item detail feature (col. 4 line 37 – col. 5 line 29).

Claim 27. (Previously presented) The method of claim 25, wherein the relationship between the first marketing object container and the second marketing object container includes a category list feature or a search results feature (col. 9 lines 49-65).

Claims 28, 29: Claim 28 is a method and contains essentially the same limitations as claim 1; therefore, the same rejection is applied. Additionally, Dedrick teaches the requirement for a relative match between the consumer profile and the consumer scale (col. 5 lines 30-53). Also, Angles et al. teaches *HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document.* (col. 6 lines 32-45)

Neither Dedrick nor Angles et al. explicitly teach the timing or priority of display of a marketing object includes a time period for displaying the marketing object. However, Kurtzman does teach:

- the timing or priority of display of a marketing object (col. 2 lines 26-52); and

Art Unit: 3625

- *Another event is when the ad exec program 101 must provide some advertisements to the web server 160 prior to the completion of the processing by all of the engines. This can occur for example, when the web server 160 has a particularly short time frame in which to serve a page to the client 175. (col. 6 lines 49-54)*

This teaching infers that the timing or priority of display of a marketing object includes a time period for displaying the marketing object, and teaches applicants' claimed aspect. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dedrick and Angles et al. to explicitly teach the timing or priority of display of a marketing object includes a time period for displaying the marketing object, as taught by Kurtzman, for the motivation of providing an electronic marketing presentation to a customer in a timely manner to promote customer satisfaction and possible sales.

Claim 30: Claim 30 is written as a method and contains essentially the same limitations as the combination of claims 22, 23 and 24; therefore, the same rejection is applied.

Claim 31: Claim 31 is written as a method and contains essentially the same limitation as claim 1; therefore, the same rejection is applied.

Claim 32: Dedrick teaches *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can*

Art Unit: 3625

be transmitted over the system (col. 4 lines 37-40). Additionally, Angles et al. teaches the functionality that encompasses selecting a style template responsive to the marketing attribute, and identifying a visitor to the web page, after selecting the style template (fig. 1 [10, 12, 14, 18, 20, 22, 26, 30, 32]; col. 7 line 43 – col. 8 line 67). Also, Kurtzman teaches the functionality that encompasses selecting a style template responsive to the marketing attribute, and identifying a visitor to the web page, after selecting the style template (col. 13 line 12 – col. 24 line 18). These teachings encompass selecting a style template responsive to the marketing attribute, and identifying a visitor to the web page, after selecting the style template. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dedrick and Angles et al. to explicitly teach a style template responsive to the marketing attribute, and identifying a visitor to the web page, after selecting the style template, as taught by the combination of Dedrick, Angles et al. and Kurtzman, for the motivation of providing an electronic marketing presentation to a customer.

Dedrick does not explicitly teach selecting a style template responsive to the marketing attribute, and identifying a visitor to the web page, after selecting the style template.

Claim 33: Claim 33 is written as a method and contains essentially the same limitation as claims 23 and 24; therefore, the same rejection is applied.

Response to Arguments

9. Applicants' arguments filed 03/08/2004 have been fully considered but they are not persuasive. Applicants' arguments have been addressed in the rejection of applicants' claims above. .

Applicants argue, at pg. 10-16, that Kurtzman, II et al. teaches an attribute that is associated with a user *not* associated with *a marketing object container* and is, therefore, distinguished from the claimed marketing attribute. For example, at col. 4 line 34 the attribute taught by Kurtzman, II et al. is referred to as "a user's demographic attribute." The attribute taught by Kurtzman, II et al. describes characteristics of a user not of a marketing object container and is used to determine an affinity criterion for matching a specific advertisement (object) with a specific user. As such, the attribute of Kurtzman, II et al. is used to determine aspects of a relationship between the advertisement and the user. These aspects are not related to a specific marketing object container.

Examiner disagrees. Kurtzman teaches (col. 4 lines 1-4) *The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization.* This teaching encompasses applicants claimed aspect of *a marketing attribute configured to describe what marketing objects can be received by the marketing object container*, through the mechanisms of *ad impression limits and advertisement priorities based on revenue optimization.* Therefore, examiner maintains the rejection.

Applicants argue, at pg. 13, Furthermore, as pointed out above, the attributes of Kurtzman, II et al. characterize a user and are used to determine a relationship between a user and an advertisement. Neither this characterization nor this relationship concern a marketing object container. The marketing attributes of Claim 1 are configured to describe aspects of a marketing object container and are thus distinguished from the attributes of Kurtzman, II et al.

Examiner disagrees. Kurtzman teaches (col. 4 lines 1-4) *The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization.* This teaching encompasses applicants claimed aspect of *a marketing attribute configured to describe what marketing objects can be received by the marketing object container.* Additionally, Kurtzman teaches the aspects of marketing object containers and their operation in col. 3 line 16 – col. 5 line 15 and col. 15 lines 40-62. Therefore, examiner maintains the rejection.

Applicants argue, at pg. 14, that the marketing attribute of Claim 1 is configured to describe an aspect of a marketing object container. There are no attributes in Kurtzman, II et al. taught to characterize specific marketing object containers, much less the claimed marketing attribute "configured to describe what marketing objects can be received by the marketing object container."

Examiner disagrees. Kurtzman teaches (col. 4 lines 1-4) *The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such*

as ad impression limits and advertisement priorities based on revenue optimization.

This teaching encompasses applicants claimed aspect of *a marketing attribute configured to describe what marketing objects can be received by the marketing object container*. Additionally, Kurtzman teaches the aspects of marketing object containers and their operation in col. 3 line 16 – col. 5 line 15 and col. 15 lines 40-62. Therefore, examiner maintains the rejection.

Applicants argue, at pg. 14-15, to fulfill the motivation requirement of a prima facie case for rejection under 35 U.S.C. §103, the Examiner states that the combination of Kurtzman, II et al. with Dedrick and Angles et al. "would have been obvious to one skilled in the art... for the motivation of providing an electronic marketing presentation." The Applicants respectfully point out that "the motivation of providing an electronic marketing presentation" is vague and, thus, is insufficient for providing an impetus for one skilled in the art to combine specific teachings of Kurtzman, II et al. with Dedrick and Angles et al.

Examiner disagrees. However, examiner has revised the motivational statement based on the modified rejection. Additionally, the prior art identified in this Action is compatible prior art in the patent classification system. It has been classified in similar areas in the prior art and pertains to related fields of the art. Therefore, examiner maintains the rejection.

Art Unit: 3625

Applicants requested, at pg. 14-15, that the Examiner specifically point out teachings of Kurtzman, II et al. that include a marketing attribute configured to describe what marketing objects can be received by the marketing object container.

Examiner responds: Kurtzman does not use the specific term marketing object container. However, Kurtzman does use the terms affinity engine, control program, affinity, advertisements to carry out functions that provide the functionality of applicant's invention. The term affinity corresponds to applicants' term marketing attribute. The affinity engine determines the affinities (degree of relevance or indicator of matching) that are associated with given advertisements. Additionally, an ad server 100, including the ad exec program 101, in combination with the affinity framework 110, provides a flexible and efficient system for selecting the best-fit advertisement to show a user at the client 175. In other embodiments, the ad server 100 can also be used in other types of applications other than advertising. For example, the ad server 100 can be used for job banks and educational applications, where dynamically generated information is being displayed. The ad selection is based partially on matching psychographic, demographic, geographic, sociographic, and other information about the individual to a set of possible advertisements. The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization. Additionally, Kurtzman teaches *TAffinityAttribute is the abstract base class for all engine-specific attribute data. The class serves to define common protocol for attributes data and as a type-check mechanism to for collecting disparate types of attribute information into a single*

Art Unit: 3625

container (col. 15 lines 42-44), which teaches a container for attributes data. Therefore, examiner maintains the rejection.

Applicants requested, at pg. 16, that the Examiner more specifically point out which sections of Dedrick are thought by the Examiner to teach association that is automatic. Manual association, such as manually establishing an HTML link, is distinguished from the claimed association by use of the word "automatic." The Applicants would like further direction as to where these teachings may be found in the cited art, or that Claims 4, 5, 6, 9, 10, 15 and 16 be allowed.

Examiner responds that the revised rejection presented above identifies the pertinent sections of the prior art for applicants that has been used to reject applicants' claims. Therefore, examiner maintains the rejection.

Applicant argues, at pg. 17, that, because the Examiner notes that "[n]either Dedrick, Angles et al. nor Kurtzman, II et al. explicitly disclose the marketing objects that can be received by the marketing object container include a marketing object of type ass banner, nor the marketing attribute is further configured to characterize the marketing object container as being configured to receive a marketing object having a cross sell feature," this is an admission that precludes a prima facie case under 103 since the combined art is admitted to not include all limitations of claims 18 and 19.

Examiner disagrees. Examiner notes that this is a misinterpretation of examiner's statement, and that any one of the references does not include all aspects of the

applicants' claimed feature, but that the combination of the prior art does teach applicants' claimed feature (as identified by examiner in the rejection above).
Therefore, examiner maintains the rejection.

Applicants argue, at pg. 17-18, that, regarding Claims 18 and 19, in the current office action, the Examiner correctly notes that "[n]either Dedrick, An les et al. nor Kurtzman, II et al. explicitly disclose the marketing objects that can be received by the marketing object container include a marketing object of type ad banner, nor the marketing attribute is further configured to characterize the marketing object container as being configured to receive a marketing object having a cross sell feature," (page 15). The Applicants respectfully point out that this admission precludes a prima facie case under §103 since the combined art is admitted to not include all limitations of Claims 18 and 19. . . . the Applicants are unclear on as to how a system for creating information teaches characterizing a marketing object container, and further, teaching a method by which that marketing object container may be characterized. The Applicants respectfully request further clarification, or that Claims 18 and 19 be allowed.

Examiner has revised the rejection of claims 18-19 to provide the clarification requested by applicants. See the rejection of claims 18-19 above. Therefore, examiner maintains the rejection.

Applicants argue, at pg. 18-19, that the Applicants fail to see how the consumer variables of Dedrick col. 5 lines 21-29 teach an action responsive to a marketing

Art Unit: 3625

attribute as recited in Claims 20 and 21. . . The Applicants respectfully point out that the consumer variables of Dedrick, of which only one type is taught, cannot be equivalent to both of these distinct claim limitations.

Examiner disagrees. Examiner has revised the rejection to properly address the claimed aspects. See the rejection of claims 20-21 above. Examiner maintains the rejection.

Applicants argue, at pg. 19, that, regarding Claims 22, 23 and 24, the Examiner suggests that Claim 22 includes the same limitations as Claim 1, and provides no further support for the rejection.

Examiner responds: In the above claim rejection, claims 22, 23 and 24 are specifically rejected. Applicants' argument have been considered. Applicants are referred to the above rejection of claims 22-24. Examiner maintains the rejection.

Applicants argue, at pg. 19-20, that the last two lines of Claim 25 are amended to read: "automatically associating the selected marketing attribute with the first marketing object container." The Applicants believe that this amendment should overcome the Examiner's rejection under 112 and places Claims 25-27 in condition for allowance.

Examiner disagrees. Applicants' amendment has over come the U.S.C. 112 rejection as noted by examiner in this Action above. However, Examiner has identified prior art and rejects the claimed aspects in the above rejection in this Paper. Therefore, Examiner maintains the rejection of claims 25-27 under the new grounds for rejection.

Applicants argue, at pg. 20, that claim 28 recites many of the limitations discussed elsewhere herein. Furthermore, in the most recent office action the Examiner makes an inference (middle of page 18) that the Applicants do not understand. Specifically, the Applicants seek clarification as to how "selecting a marketing attribute to characterize the marketing object container as having a timing or priority of display of a marketing object within the marketing object container" (Claim 28) can be "inferred by the requirement for a relative match between the consumer profile and the consumer scale," (current office action, page 18). The relative match requirement does not seem to have a time element, a marketing attribute capable of characterizing a marketing object, or a marketing attribute selected to characterize the marketing object container as having a timing or priority. The Applicants respectfully request that the Examiner explain this inference or allow Claim 28.

Examiner responds: The rejection of claim 28 has been clarified to more appropriately identify the prior art and reject the claimed aspect. Applicants are referred to the rejection of claim 28 above. Examiner maintains the rejection.

Applicants argue, on pg. 20-21, that, regarding Claim 29, on page 18 of the current office action the Examiner correctly notes that "[n]either Dedrick, Angles et al., nor Kurtzman explicitly disclose the timing or priority of display of a marketing object includes a time period for displaying the marketing object." While the Examiner provides "official notice" regarding some aspects of timing a display this notice does not discuss

Art Unit: 3625

timing that includes use of a "marketing attribute to characterize the marketing object container as having a time or priority..." as recited in Claim 29.

Examiner disagrees. Examiner notes that the rejection of claim 29 in this Paper address this issue. Specifically, Kurtzman does teach:

- the timing or priority of display of a marketing object (col. 2 lines 26-52); and
- *Another event is when the ad exec program 101 must provide some advertisements to the web server 160 prior to the completion of the processing by all of the engines. This can occur for example, when the web server 160 has a particularly short time frame in which to serve a page to the client 175.* (col. 6 lines 49-54)

This teaching infers that the timing or priority of display of a marketing object includes a time period for displaying the marketing object, and teaches applicants' claimed aspect. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Dedrick and Angles et al. to explicitly teach the timing or priority of display of a marketing object includes a time period for displaying the marketing object, as taught by Kurtzman, for the motivation of providing an electronic marketing presentation to a customer in a timely manner to promote customer satisfaction and possible sales.

Therefore, examiner maintains the rejection.

Applicants argue, at pg. 20-21, regarding Claim 30, in response to the Examiner's rejection of Claim 30 under § 112 the last line of Claim 30 is amended to read "automatically associating the selected marketing attribute with the first marketing object

Art Unit: 3625

container." However, the Applicants respectfully traverse the Examiner's rejection under §112 and point out that the antecedent basis of "the marketing object container" is not ambiguous.

The arguments made above with respect to the §103 rejections of Claims 1, 22, 23 and 24 also apply to Claim 30.

Examiner disagrees. Applicants' amendment overcomes examiner's rejection under §112. Therefore, examiner has withdrawn the rejection. Additionally, Claim 30 is rejected under the same conditions as claims 20-24. Therefore, examiner maintains the rejection of claim 30 as stated in the above rejection.

Applicants argue, at pg. 21, that, regarding Claim 31, the arguments made above with respect to Claim 1 also apply to Claim 31.

Examiner responds that claim 31 is rejected under the same grounds of rejection as claim 1, which address applicants' arguments. Therefore, examiner maintains the rejection.

Applicant argues, at pg 21-22, that Claim 32 is dependent on Claim 30 and recites "further including selecting a style template responsive to the marketing attribute, and identifying a visitor to the web page, after selecting the style template." In rejecting this claim the Examiner cites (on page 19) the publisher/advertiser 18 of Dedrick and Angles et al. However, the publisher/advertiser 18 of Dedrick is a means for generating content in a variety of formats and does not appear to use a marketing attribute to select a

template, as recited in Claim 32. The Examiner further states, -on the bottom of page 19, "...Angles et al. discloses the functionality that encompasses selecting a style template responsive to the marketing attribute and identifying a visitor to the web page, after selecting the style template (fig. 1 ...; col. 7 line 43 - col. 8 line 67)." However the Applicants are unable to find any teachings of selecting a style template response to any type of attribute in the cited materials. In addition, as has been pointed out above, Angles et al. does not teach marketing attributes as specified in Claim 32.

Further, the Applicants are not able to find any teaching in Angles et al, that could be interpreted to represent the timing aspects of Claim 32. Specifically, Applicants are not able to find any teaching of "identifying a visitor to the web page, after selecting the style template." The Applicants respectfully request that the Examiner more precisely point out these teachings or allow Claim 32. In Claim 32 the claimed marketing attribute is used before identification of a visitor. This would be impossible if the marketing attribute were the user attribute of Dedrick, Angles et al. or Kurtzman, II et al. because a user attribute would not be available until after the visitor is identified. The methods taught by Dedrick, Angles et al. and Kurtzman, II et al. teach away from using a marketing attribute prior to identification of a visitor.

Examiner disagrees. Examiner's rejection of claim 32 has been revised to better encompass applicants' claimed aspect. As identified in the above rejection in more than one location, Kurtzman states *The ad server 100, including the ad exec program 101, in combination with the affinity framework 110, provides a flexible and efficient system for selecting the best-fit advertisement to show a user at the client 175. In other*

embodiments, the ad server 100 can also be used in other types of applications other than advertising. For example, the ad server 100 can be used for job banks and educational applications, where dynamically generated information is being displayed . . . The ad server 100 also allows ad selection to be constrained by characteristics external to the individual, such as ad impression limits and advertisement priorities based on revenue optimization. (col. 3 line 57 – col. 4 line 4). This teaching infers providing selections on the basis of *ad impression limits and advertisement priorities based on revenue optimization* that have no connectivity to the identity of the client, and that do not require identifying the visitor to a web page. Therefore, examiner maintains the rejection.

Applicants argue, at pg. 22, that, regarding Claim 33, Claim 33 is dependent on Claim 30 and recites, "wherein the marketing campaign is an on sale marketing campaign." The Applicants traverse the Examiner's opinion that "Claim 33 ... contains essentially the same limitation as claims 23 and 24." In fact, "on sale marketing campaign" is not specifically discussed in either of Claims 23 or 24. The Applicants respectfully point out that a rejection of Claim 33 must include consideration all of its elements and limitations. Based on the incomplete rejection of Claim 33, the Applicants request that the finality of the office action be withdrawn and that Claim 33 be allowed.

Examiner disagrees. Claim 23 states "wherein the campaign type is a promotion" and claim 24 states "wherein the campaign type is an up sell, a sale, or a new product introduction." Claim 22 states "selecting the marketing attribute to characterize the

Art Unit: 3625

marketing object container as having a campaign type.” Examiner states that an “on sale marketing campaign” is within the limits of the claimed aspects of claims 22-24. Examiner asserts that applicants’ arguments are not realistic in the context of the claimed aspects of claims 22-24. Claim 33 does not provide any requirement that differentiates it from the combination of claims 22-24. Therefore, examiner maintains the rejection.

Applicants argue, on pg. 22, regarding the Drawings, in the current office action the Examiner has indicated that the drawings filed on 13 January 200 are objected to (cover sheet). However, the Examiner provided no further information pointing out the basis for this new objection. The Applicants respectfully request that the objection to the drawings be withdrawn or explained in detail.

Examiner concurs. Comments are included on the objection to the drawings.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

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FT

06/04/2004


Jeffrey A. Smith
Primary Examiner